

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| _____ | X | |
| IN RE: KEURIG GREEN MOUNTAIN SINGLE-SERVE | : | No. 1:14-md-02542 (VSB) |
| COFFEE ANTITRUST LITIGATION | : | No. 1:14-cv-04391 (VSB) |
| | : | |
| <i>This Relates to the Indirect-Purchaser Actions</i> | X | |

NOTICE OF UNOPPOSED MOTION

PLEASE TAKE NOTICE THAT, upon the declarations of Robert N. Kaplan sworn to September 25, 2020, Joseph J. Farnan, Jr., United States District Court Judge (Ret.) sworn to September 10, 2020, and Gina M. Intrepido-Bowden (the “Intrepido-Bowden Declaration”) sworn to September 30, 2020 and their accompanying exhibits; the accompanying memorandum of law; and all prior proceedings, pleadings, and filings in the above-identified actions, the Indirect Purchaser Plaintiffs will move this Court at the United States District Courthouse for the Southern District of New York, 40 Foley Square, Courtroom 518, New York, NY 10007, before the Honorable Vernon S. Broderick, United States District Court Judge, for an Order under Federal Rule of Civil Procedure 23:

(a) preliminarily approving a proposed settlement between Indirect Purchaser Plaintiffs and Keurig Green Mountain, Inc. embodied in a Stipulation of Settlement and Release, dated August 14, 2020;

(b) certifying the following Settlement Class:

All individuals and entities in the United States and its territories that purchased, from persons other than Keurig and not for the purpose of resale, single-serve beverage portion packs manufactured or licensed by Keurig that are compatible with Keurig brewers (“Keurig K-Cup Portion Packs”) during the period September 7, 2010, to August 14, 2020 (except for claims under Mississippi law—which would be for purchases during the period from March 24, 2011, to August 14, 2020—and Rhode Island Law—which would be for purchases from July 15, 2013, to August 14, 2020). Excluded from the Settlement Class are

Keurig and its predecessors, subsidiaries, parents, affiliates, joint venturers, and their directors and executive officers, and parties to any supply, retail, or distribution contracts with Keurig relating to Keurig K-Cup Portion Packs or Keurig Brewers, as well as all federal governmental entities and instrumentalities of the federal government, states and their subdivisions, agencies and instrumentalities, any judge or jurors assigned to this case, and the Hon. Joseph J. Farnan, Jr. (Ret.);

(c) appointing Indirect Purchaser Plaintiffs Wasif Bala, Yelda Mesbah Bartlett, Lavinia Simona Biasell, Linda Bouchard, Bouchard & Sons Garage, Inc., Luke Cuddy, Jonna Dugan, Erin Dunbar, Larry Gallant, Denise Gilmore, Patricia Hall, Jennifer Harrison, Teena Marie Johnson, Lori Jo Kirkhart, Kori Lodi, Vivid Hair Studio LLC, Wauneta Dibbern, John Lohin, Angus Macdonald, Edgar Medina, Jennifer Mileikowsky, Brier Miller Minor, David W. Nation, Patricia J. Nelson, Julie Rainwater, Betty Ramey, Lauren Jill Schneider, Shirley Anne Schroeder, Jason and Amy Stratman, and Toni Williams as Settlement Class Representatives;

(d) appointing Kaplan Fox & Kilsheimer LLP, Pearson, Simon & Warshaw, LLP, and Wolf Haldenstein Adler Freeman & Herz LLP, as Settlement Class Counsel;

(e) appointing JND Legal Administration as claims administrator;

(f) appointing Signature Bank N.A. as escrow agent;

(g) approving the program for notice described in the Intrepido-Bowden Declaration and authorizing dissemination of notice to the Settlement Class as described therein;

(h) appointing Judge Farnan as Special Master under Federal Rule of Civil Procedure 53 to make recommendations to the Court regarding the settlement, notice, and allocation program;

(i) setting a hearing to determine the fairness, reasonableness, and adequacy of the settlement and any plan of allocation and hear any request for attorneys' fees, litigation expenses and service awards to the named plaintiffs; and

(j) granting such other and further relief as may be just and appropriate.

Movants respectfully request oral argument to the extent desired by the Court.

Dated: September 30, 2020

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